

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADAGUSTAVO ALVIZAR,
Plaintiff,

Case No. 2:23-cv-01133-APG-EJY

v.

NDOC, *et al.*,

Defendants.

ORDER

On July 19, 2023, Plaintiff submitted an incomplete application to proceed *in forma pauperis* (“IFP”) together with a Civil Rights Complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff failed to include a financial certificate signed by a prison or jail official and his inmate trust fund account statement for the previous six-month period with his IFP application. Plaintiff instead filed a Motion to Proceed Without Financial Certificate, arguing his claims concern urgent medical needs and he submitted requests for his financial certificate and account statement to prison officials on three occasions in the past two weeks but has not yet received a response. ECF No. 1-2. Plaintiff asks the Court to either excuse him from filing his required financial documents or give him a 90-day extension to file them. *Id.* at 2.

The Court finds Plaintiff’s request to be excused from filing his required financial documents is not reasonable or supported by good cause. While Plaintiff’s request for an extension of time to file his required financial documents is supported by good cause, a 90-day extension is not reasonable under these circumstances. However, the Court finds a 30-day extension is reasonable.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s Motion to Proceed Without Financial Certificate (ECF No. 1-2) is GRANTED in part and DENIED in part.

IT IS FURTHER ORDERED that on or before **August 21, 2023**, Plaintiff must either pay the \$402 filing fee for a civil action or file with the Court a **financial certificate signed by a prison or jail official and his inmate prison or jail trust fund account statement for the previous six-month period.**

1 IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a copy of
2 Plaintiff's inmate prison or jail trust fund account statement for the previous six-month period on or
3 before **August 21, 2023**, will result in a recommendation to dismiss this action **without prejudice**.
4 A dismissal without prejudice allows Plaintiff to file his case with the Court, under a new case
5 number, when he is able to comply with LSR 2-1 and file a complete application to proceed *in forma*
6 *pauperis* or pay the required filing fee.

7 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1),
8 but will not file it at this time.

9 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved
10 form application to proceed *in forma pauperis* for inmate along with the information and instructions
11 for filing the same.

12 DATED this 20th day of July, 2023.

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15 ELAYNA J. YOUCHAK
16 UNITED STATES MAGISTRATE JUDGE
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